

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

_____	)	
ADAM HELFAND, CARON HELFAND,	)	
AND MITCHELL HELFAND,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	C.A. No. 04-11800-DPW
	)	
THE JOHN DEWEY ACADEMY, INC.,	)	
THOMAS BRATTER, CAROLE	)	
BRATTER, KEN STEINER, AND	)	
GWENDOLYN HAMPTON,	)	
	)	
Defendants.	)	
_____	)	

**MOTION FOR SUMMARY JUDGMENT**  
**(Oral Argument Requested)**

Defendants The John Dewey Academy, Inc., Thomas Bratter, Carole Bratter and Ken Steiner (the “JDA Defendants”) hereby move for summary judgment. Plaintiffs have released the JDA Defendants from all claims in this case. Additionally, plaintiffs have failed to establish a genuine issue of material fact on their claims of breach of contract, negligent misrepresentation, and violation of G.L. c. 93A, and on Caron and Mitchell Helfand’s claims for emotional distress and loss of consortium. The Court should therefore grant summary judgment in favor of the JDA Defendants on all counts.

In support of this motion, the JDA Defendants submit the accompanying memorandum and the Affidavit of Joseph D. Steinfield.

**REQUEST FOR ORAL ARGUMENT**

The JDA Defendants believe that oral argument may assist the Court in the disposition of this motion, and therefore request hearing pursuant to Local Rule 7.1(E).

Respectfully submitted,

JOHN DEWEY ACADEMY  
THOMAS BRATTER  
CAROLE BRATTER  
KENNETH STEINER

By their attorneys,

/s/ Joseph D. Steinfield  
Joseph D. Steinfield, BBO #478680  
William A. Worth, BBO #544086  
Jeffrey J. Pyle, BBO #647438  
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Dated: July 31, 2006

I, William A. Worth, counsel for defendants John Dewey Academy, Thomas Bratter, Carole Bratter, and Kenneth Steiner, hereby certify in accordance with Local Rule 7.1(A)(2) that I conferred with plaintiffs' counsel about the subject matter of this motion and have attempted in good faith to resolve or narrow the issues addressed herein.

/s/ William A. Worth

I, Joseph D. Steinfield, hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF), and paper copies will be sent to those indicated as non-registered participants on July 31, 2006.

/s/ Joseph D. Steinfield